IN THE CLAIMS:

Applicants, using the revised amendment format now permitted in view of the anticipated adoption of proposed revised 37 C.F.R. § 1.121, submit the following amendments to the claims:

1. (Currently amended) An isolated polypeptide comprising an amino acid sequence selected from the group consisting of SEQ ID NO:1, and a fragment of SEQ ID NO:1 of ~~having from~~ about 50 to 79 contiguous residues in length ~~amino acids taken from the sequence of SEQ ID NO. 1~~, wherein the polypeptide binds to the extracellular domain (ECD) ~~ECD~~ of HER-2 ~~at~~ with an affinity binding constant of at least 10^8 M^{-1}, and wherein the isolated polypeptide neither comprises SEQ ID NO:11, nor a fragment thereof of about 50 to 79 contiguous residues in length.

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2. (Currently amended) The isolated polypeptide of claim 1, wherein the isolated polypeptide is from about 69 to 79 ~~amino acids~~ contiguous residues in length.

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3. (Currently amended) The isolated polypeptide of claim 1, wherein the isolated polypeptide comprises an amino acid sequence selected from the group consisting of SEQ ID NO:1, and wherein the isolated polypeptide does not comprise SEQ ID NO:11 ~~binds to a site on the ECD of HER-2 that is different from the site of binding of Herceptin (a marketed humanized monoclonal antibody that is used for the treatment of cancer and that binds to the ECD or HER-2)~~.

4-7 (Cancelled).

8. (Currently amended) An isolated ~~and glycosylated~~ polypeptide comprising an amino acid sequence selected from the group consisting of SEQ ID NO:2, and a fragment of SEQ ID NO:2 of ~~having from~~ about 80 ~~300~~ to 419 contiguous residues in length ~~amino acids taken from the sequence of SEQ ID NO. 2~~, wherein the C terminal 79 contiguous amino acids are present, ~~and~~ wherein at least one ~~three~~ N-linked glycosylation site is ~~sites are~~ present, wherein the polypeptide binds to the extracellular domain (ECD) of HER-2 with an affinity binding constant of at least 10^8 M^{-1}, and wherein the isolated polypeptide neither comprises SEQ ID NO:12, nor a fragment thereof of about 80 to 419 contiguous residues in length.

9. (Currently amended) The isolated and ~~glycosylated~~ polypeptide of claim 8 ~~6~~, wherein the isolated polypeptide is from about 350 to 419 contiguous residues ~~amino acids~~ in length and three ~~four~~ N-linked glycosylation sites are present.

10. (Currently amended) The isolated ~~and glycosylated~~ polypeptide of claim 8 ~~6~~, wherein the isolated polypeptide comprises an amino acid sequence selected from the group consisting of SEQ ID NO:2, and wherein the isolated polypeptide does not comprise SEQ ID NO:12 ~~binds to a site on the ECDof HER-2 that is different from the site of binding of Herceptin®~~.

11-17 (Cancelled).

18. (Currently amended) A pharmaceutical composition for treating solid tumors that overexpress HER-2, comprising an agent selected from the group consisting of: (a) an isolated polypeptide comprising an amino acid sequence selected from the group consisting of SEQ ID NO:1, and a fragment of SEQ ID NO:1 of ~~having from~~ about 50 to 79 contiguous residues in length ~~amino acids taken from the sequence of SEQ ID NO. 1~~, wherein the polypeptide binds to the extracellular domain (ECD) ~~ECD~~ of HER-2 ~~at~~ with an affinity binding constant of at least 10^8 M^{-1}, and wherein the isolated polypeptide neither comprises SEQ ID NO:11, nor a fragment thereof of about 50 to 79 contiguous residues in length; (b) an isolated ~~and glycosylated~~ polypeptide comprising an amino acid sequence selected from the group consisting of SEQ ID NO:2, and a fragment of SEQ ID NO:2 of ~~having from~~ about 80 to 419 contiguous residues in length ~~amino acids taken from the sequence of SEQ ID NO. 2~~, wherein the C terminal 79 contiguous amino acids are present, ~~and~~ wherein at least one ~~three~~ N-linked glycosylation site is ~~sites are~~ present, wherein the polypeptide binds to the extracellular domain (ECD) of HER-2 with an affinity binding constant of at least 10^8 M^{-1}, and wherein the isolated polypeptide neither comprises SEQ ID NO:12, nor a fragment thereof of about 80 to 419 contiguous residues in length; (c) a monoclonal antibody that binds to the extracellular domain(ECD) ~~ECD~~ of HER-2; and (d) combinations thereof, provided ~~with the proviso~~ that the agent cannot be the monoclonal antibody alone, and a pharmaceutically acceptable carrier.

19. (Currently amended) The pharmaceutical composition ~~for treating solid tumors that overexpress HER-2~~ of claim 18, wherein the agent is an ~~the~~ isolated polypeptide comprising an amino acid sequence selected from the group consisting of SEQ ID NO:1, and a fragment of SEQ ID NO:1 of ~~having from~~ about 50 to 79 contiguous residues in length ~~amino acids taken from the sequence of SEQ ID NO. 1~~, and wherein the isolated polypeptide neither comprises SEQ ID NO:11, nor a fragment thereof of about 50 to 79 contiguous residues in length.

20. (Currently amended) The pharmaceutical composition ~~for treating solid tumors that overexpress HER-2~~ of claim 18 ~~19~~, wherein the agent is a combination of an ~~the~~ isolated polypeptide comprising an amino acid sequence selected from the group consisting of SEQ ID

NO:1, and a fragment of SEQ ID NO:1 of ~~having from~~ about 50 to 79 contiguous residues in length ~~amino acids taken from the sequence of SEQ ID NO. 1~~, and the monoclonal antibody that binds to the extracellular domain (ECD) ~~ECD~~ of HER-2, and wherein the isolated polypeptide neither comprises SEQ ID NO:11, nor a fragment thereof of about 50 to 79 contiguous residues in length.

21-26 (Cancelled).

27. (New) An isolated polypeptide consisting of an amino acid sequence selected from the group consisting of SEQ ID NO:1, and wherein the isolated polypeptide does not consist of SEQ ID NO:11.

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28. (New) An isolated polypeptide consisting of an amino acid sequence selected from the group consisting of SEQ ID NO:2, and wherein the isolated polypeptide does not consist of SEQ ID NO:12.

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29. (New) The pharmaceutical composition of claim 18, wherein the agent is an isolated polypeptide comprising an amino acid sequence selected from the group consisting of SEQ ID NO:2, and a fragment of SEQ ID NO:2 of about 80 to 419 contiguous residues in length, and wherein the isolated polypeptide neither comprises SEQ ID NO:12, nor a fragment thereof of about 80 to 419 contiguous residues in length.

30. (New) The pharmaceutical composition of claim 18, wherein the agent is a combination of an isolated polypeptide comprising an amino acid sequence selected from the group consisting of SEQ ID NO:2 and a fragment of SEQ ID NO:2 of about 80 to 419 contiguous residues in length, and the monoclonal antibody that binds to the extracellular domain (ECD) of HER-2, and wherein the isolated polypeptide neither comprises SEQ ID NO:12, nor a fragment thereof of about 80 to 419 contiguous residues in length.